

REMARKS

Entry of this amendment is respectfully requested.

Claims 16-24 were rejected under 35 U.S.C. §103(b) over Faber ('639) as evidenced by the Sigma-Aldrich publication and the GE publication. The specific disclosed range of Scherrer crystallite size is not disclosed, and is much less than 10 microns. "Less than 10 microns" cannot be fairly interpreted as reading on 0.001 to 2 microns. Nonetheless, Applicants have amended the independent claims so that the inorganic metal phosphate has Scherrer crystal size of only 0.001 to 2 microns. Since as the Examiner acknowledges, Faber discloses 10 microns or less, or an Example wherein 90% of the particles are less than 6 microns, Faber does not teach that the Scherrer crystal size should only be from 0.001 to 2 microns.

Since none of the cited references disclose this feature the aforementioned rejection and all other rejections should be withdrawn.

Claims 31-34 and 40 were rejected under 35 U.S.C. §103(a) over Faber, Sigma-Aldrich, GE and Martens. Applicants respectfully traverse each of these rejections for reasons noted above.

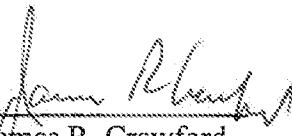
Furthermore, at page 8 of the office action the Examiner alleges that the fact that the prior art does not disclose the IR/NIR behavior of thermoplastic comprising the copper phosphate hydroxide salts is not relevant to patentability because it is the discovery of a "previously unappreciated property" (citation omitted). However, the references do not disclose thermoplastic materials with the same composition. Thus, even assuming for the sake of argument that the description of the IR absorption of libethenite is a discovery, the proposed use of this property in a thermoplastic composition is an invention. Thus, by the Examiner's own reasoning, at least claims 29 and 30 should be allowable.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. DNAG-322.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By 
James R. Crawford
Reg. No. 39,155

666 Fifth Avenue
New York, New York 10103
(212) 318-3000